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Board of Patent Appeals and Interferences

Appeal Brief

In re the Application of:

Rabi Dutta
Serial No. 09/726,268
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Attorney Docket No. AUS920000344US1

METHOD, SYSTEM, AND PROGRAM FOR PROVIDING ACCESS TIME INFORMATION WHEN DISPLAYING NETWORK ADDRESSES

Submitted by:

Konrad, Raynes & Victor LLP
315 So. Beverly Dr., Ste. 210
Beverly Hills CA 90212
(310) 556-7983
(310) 556-7984 (fax)

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I. Real Party in Interest

The entire right, title and interest in this patent application is assigned to real party in interest International Business Machines Corporation.

II. Related Appeals, Interferences, and Judicial Proceedings

Appellant, Appellant's legal representative, and Assignee are not aware of any other prior or pending appeals, interferences, and judicial proceedings which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of the Claims

Claims 1, 3-7, 9-13, 15-19, 21-25, 27-31, and 33-36 are pending and have been rejected.

Claims 2, 8, 14, 20, 26, and 32 are canceled.

The final rejection dated April 19, 2006 ("Third Final Office Action") of the claims is being appealed for all pending claims 1, 3-7, 9-13, 15-19, 21-25, 27-31, and 33-36.

IV. Status of Amendments

No amendment to the claims was filed after receipt of the Third Final Office Action.

V. Summary of the Claimed Subject Matter

A. Independent Claim 1

Independent claim 1 is directed to a method for rendering network addresses of files capable of being downloaded over network to an output device. The Specification discloses that FIGs. 4, 5, and 6 illustrate a method of operations implemented in the browser code to display hyperlinks. (Specification, p. 7, lines 14-15). The claim requires generating a list of previously accessed network addresses. With respect to this claim requirement, the Specification discloses that the "browser 8 stores information on the URL of each page retrieved in a URL history list 22. The URL history list 22 may

comprise a separate file or comprise part of another file the browser 8 uses to store information, such as an operating system registry file." (Specification, p. 5, lines 20-24)

Claim 1 further requires that for each listed network address, determining a time to download a page and any embedded files in the page from the network address over the network in response to downloading the page and any embedded files from the network address. With respect to this claim requirement, the Specification discloses in FIG. 4 that the browser 8 sets a start time to the time the GET request was sent to a URL. (Specification, pg. 7, lines 20-25, block 120 in FIG. 4) After rendering a representation of the page, the browser determines the finish time and from that the total access time to download and render the page. (Specification, pg. 8, line 21 to pg. 9, line 1, blocks 134 and 136 in FIG. 5).

Claim 1 further requires storing each determined time with the network address for which the time was determined. With respect to this claim requirement, the Specification discloses that the browser 8 inserts/appends the determined total access time into the total access time entry 54, which may have multiple total access times. (Specification, p. 9, lines 4-10, blocks 140 and 146 in FIG. 6). This claim further requires determining an access time indicator for the network addresses based on the determined times stored with the network addresses, wherein the determined access time indicator is capable of indicating at least two different access times with respect to one network address. With respect to these claim requirements, the Specification discloses at blocks 148 and 150 in FIG. 6 that the browser 8 determines the expected access time based on the total access times in the entry 50 and the access time rating from the determined expected access time. (Specification, pg. 9, lines 10-17) The Specification further discloses that the browser 8 determines one of multiple colors corresponding to different ranges of access time ratings corresponding to the access time rating 58 for the entry. (Specification, p. 8, lines 5-20, FIG. 5). The claim further requires rendering the access time indicator when rendering the network address on the output device. With respect to this limitation, the Specification discloses that the browser 8 determines a color corresponding to the access time rating (at block 126) and sets a color attribute 30 for a hyperlink node 28 to cause the hyperlink to be displayed in the determined color (at block 128). (Specification, pg. 8, lines 5-20, FIG. 5)

B. Independent Claim 13

Independent claim 13 is directed to a system for rendering network addresses of files capable of being downloaded over network to an output device. The Specification discloses a client computer 2 having a browser that performs operations to display hyperlinks. (FIGs. 1 and 2, pg. 5, line 3 to pg. 7, line 15) The claim requires a means for generating a list of previously accessed network addresses. With respect to this claim requirement, the Specification discloses that the "browser 8 stores information on the URL of each page retrieved in a URL history list 22. The URL history list 22 may comprise a separate file or comprise part of another file the browser 8 uses to store information, such as an operating system registry file." (Specification, p. 5, lines 20-24) Thus, the browser 8 executed by a client 2 computer comprises the structure corresponding to the claimed function of generating the list of previously accessed network address.

Claim 13 further requires that for each listed network address, determining a time to download a page and any embedded files in the page from the network address over the network in response to downloading the page and any embedded files from the network address. With respect to this claim requirement, the Specification discloses in FIG. 4 that the browser 8 sets a start time to the time the GET request was sent to a URL. (Specification, pg. 7, lines 20-25, block 120 in FIG. 4) After rendering a representation of the page, the browser determines the finish time and from that the total access time to download and render the page. (Specification, pg. 8, line 21 to pg. 9, line 1, blocks 134 and 136 in FIG. 5).

Claim 13 further requires storing each determined time with the network address for which the time was determined. With respect to this claim requirement, the Specification discloses that the browser 8 inserts/appends the determined total access time into the total access time entry 54, which may have multiple total access times. (Specification, p. 9, lines 4-10, blocks 140 and 146 in FIG. 6). This claim further requires determining an access time indicator for the network addresses based on the determined times stored with the network addresses, wherein the determined access time indicator is capable of indicating at least two different access times with respect to one network address. With respect to these claim requirements, the Specification discloses at

blocks 148 and 150 in FIG. 6 that the browser 8 determines the expected access time based on the total access times in the entry 50 and the access time rating from the determined expected access time. (Specification, pg. 9, lines 10-17) The Specification further discloses that the browser 8 determines one of multiple colors corresponding to different ranges of access time ratings corresponding to the access time rating 58 for the entry. (Specification, p. 8, lines 5-20, FIG. 5). This claim further requires rendering the access time indicator when rendering the network address on the output device. With respect to this limitation, the Specification discloses the browser 8 determines a color corresponding to the access time rating (at block 126) and sets a color attribute 30 for a hyperlink node 28 to cause the hyperlink to be displayed in the determined color (at block 128). (Specification, pg. 8, lines 5-20, FIG. 5)

C. Dependent Claim 16

Claim 16 depends from claim 13 and further requires wherein the output device comprises a display monitor, wherein the means for rendering the network address performs displaying the network address on the display monitor and wherein the means for rendering the access time indicator performs altering the display of the network address on the display monitor.

The claim requires that the means for rendering the network address performs displaying the network address on the display monitor and that the means for rendering the access time indicator performs altering the display of the network address on the display monitor.

The structure disclosed in the Specification corresponding to the claimed means functions for rendering the network address and access time indicator comprises a client computer 2 having a browser that performs the operations to display hyperlinks. (FIGs. 1 and 2, pg. 5, line 3 to pg. 7, line 15) With respect to this claim requirement, the Specification discloses that the

> logic of FIGs. 4-6 [performed by the browser] determines how to display hyperlinks in a rendered page. The preferred embodiment URL history list 22 may also be used to determine the color to display 20 URL addresses in other contexts....
>
> Preferred embodiments provide a technique for providing a web browser user information on an expected total access time for a URL when the URL is

> displayed in a page, in a pre-selected "Favorite" or "Bookmark" list, or in an autocomplete list. In preferred embodiments, the browser 8 displays the URL address in different colors indicating different expected access times, such as green for short access time, red for unduly long access time,10 etc.

(Specification, pg. 9, line 18 to pg. 10, line 15)

D. Dependent Claim 22

Claim 22 depends from claim 18 and recites means for generating a document object including nodes for the tagged elements; means for generating a node for each network address included in the page; and means for generating an attribute for each network address node implementing the access time indicator determined from the network address, wherein the page is rendered from the document object.

The structure disclosed in the Specification corresponding to the claimed means functions for generating a document generating a node, and generating an attribute comprises a browser 8 that performs the operations of FIG. 5 to generate a DOM having network address nodes. (Specification, FIG. 5, pg. 7, line 26 to pg. 8, line 20).

E. Dependent Claim 23

Claim 23 depends from claim 18 and further recites means for rending an access time indicator means for rendering the access time indicator when rendering the processed network address further performs: receiving characters of a network address a user inputs into an address field displayed on the output device; determining a set of network addresses from the list of previously accessed network addresses that begin with the received characters; determining the access time indicator for each of the determined network addresses in the set based on the stored determined times for each network address; and rendering the determined access time indicator for each network address with the network address in a list of network addresses, wherein a user is capable of selecting one of the rendered network addresses to substitute for the received characters to enter into the address field.

The structure disclosed in the Specification corresponding to the claimed means functions for rendering the access time indicator by receiving characters and determining

network addresses from a list that begin with the receive characters is disclosed on at least pg. 9, line14 to pg. 10, line 4 of the Specification.

F. Dependent Claim 24

Claim 24 depends from claim 13 and further recites that the means for rendering the access time indicator when rendering the processed network address further performs: accessing a list of selected network addresses; determining the access time indicator for each of the network addresses in the list of selected network addresses based on the stored determined times for each network address; and rendering the determined access time indicator with each network address in the list of selected network addresses.

The structure disclosed in the Specification corresponding to the claimed means function for rendering the access time indicator by accessing a list of network address and determining access time indicators for each network address in the list comprises the web browser as disclosed on at least pg. 9, line14 to pg. 10, line 4 of the Specification.

G. Independent Claim 25

Independent claim 25 is directed to an article of manufacture for rendering network addresses of files capable of being downloaded over network to an output device that comprises a computer readable medium including code that causes a processor to perform the claimed operations. The Specification discloses "browser 8 code" that performs the operations of FIGs. 4, 5, and 6 to display hyperlinks. (Specification, p. 7, lines 14-15). The Specification discloses that an article of manufacture comprises code that may be implemented in a computer readable medium that is accessed and executed by a processor. (Specification, pg. 10, lines 17-26)

This claim requires generating a list of previously accessed network addresses. With respect to this claim requirement, the Specification discloses that the "browser 8 stores information on the URL of each page retrieved in a URL history list 22. The URL history list 22 may comprise a separate file or comprise part of another file the browser 8 uses to store information, such as an operating system registry file." (Specification, p. 5, lines 20-24)

Claim 25 further requires that for each listed network address, determining a time to download a page and any embedded files in the page from the network address over the network in response to downloading the page and any embedded files from the network address. With respect to this claim requirement, the Specification discloses in FIG. 4 that the browser 8 sets a start time to the time the GET request was sent to a URL. (Specification, pg. 7, lines 20-25, block 120 in FIG. 4) After rendering a representation of the page, the browser determines the finish time and from that the total access time to download and render the page. (Specification, pg. 8, line 21 to pg. 9, line 1, blocks 134 and 136 in FIG. 5).

Claim 25 further requires storing each determined time with the network address for which the time was determined. With respect to this claim requirement, the Specification discloses that the browser 8 inserts/appends the determined total access time into the total access time entry 54, which may have multiple total access times. (Specification, p. 9, lines 4-10, blocks 140 and 146 in FIG. 6). This claim further requires determining an access time indicator for the network addresses based on the determined times stored with the network addresses, wherein the determined access time indicator is capable of indicating at least two different access times with respect to one network address. With respect to these claim requirements, the Specification discloses at blocks 148 and 150 in FIG. 6 that the browser 8 determines the expected access time based on the total access times in the entry 50 and the access time rating from the determined expected access time. (Specification, pg. 9, lines 10-17) The Specification further discloses that the browser 8 determines one of multiple colors corresponding to different ranges of access time ratings corresponding to the access time rating 58 for the entry. (Specification, p. 8, lines 5-20, FIG. 5). This claim further requires rendering the access time indicator when rendering the network address on the output device. With respect to this limitation, the Specification discloses that the browser 8 determines a color corresponding to the access time rating (at block 126) and sets a color attribute 30 for a hyperlink node 28 to cause the hyperlink to be displayed in the determined color (at block 128). (Specification, pg. 8, lines 5-20, FIG. 5)

VI. Grounds of Rejection to Be Reviewed on Appeal

A concise statement listing each ground of rejection presented for review is as follows:

A. Claims 1, 3, 7, 12, 13, 15, 19, 24, 25, 27, 31, and 36 are rejected under 35 U.S.C. §102(a) as being unpatentable over IBM Research Disclosure No. 438161 ("Research Disclosure).

B. Claims 4, 6, 16, 18, 28, and 30 are rejected under 35 U.S.C. §103 as being unpatentable over Research Disclosure and Barrett (U.S. Patent No. 5,727,129).

C. Claims 5, 9, 17, 21, 29, and 33 are rejected under 35 U.S.C. §103 as being unpatentable over Research Disclosure, Barrett, and Barrick (U.S. Patent No. 6,625,647).

D. Claims 11, 23, and 35 are rejected under 35 U.S.C. §103 as being unpatentable over Research Disclosure and Schneider (U.S. Patent No. 6,760,746).

E. Claims 10, 22, and 34 are rejected under 35 U.S.C. §103 as being unpatentable over Research Disclosure and Killian (U.S. Patent No. 6,438,592).

VII. Argument

A. Rejection Under 35 U.S.C. §102 as Anticipated by Research Disclosure

1. Claim 1, 3, 7, 12, 13, 15, 19, 24, 25, 27, 31, and 36

Independent claims 1, 13, and 25 concern rendering network addresses of files capable of being downloaded over a network on an output device, and require: generating a list of previously accessed network addresses; for each listed network address, determining a time to download a page and any embedded files in the page from the network address over the network in response to downloading the page and any embedded files from the network address; storing each determined time with the network address for which the time was determined; determining an access time indicator for the network addresses based on the determined times stored with the network addresses, wherein the determined access time indicator is capable of indicating at least two different access times with respect to one network address; and rendering the access time indicator when rendering the network address on the output device.

The Examiner cited the second paragraph of the Research Disclosure (Third Final Office Action, pgs. 2-3). The cited second paragraph discusses timing the download time

for a page. When the user uses the "Back" and "Forward" button in the browser to skip to previously visited web locations, a time value showing how many seconds it took for the user to download a page last time is displayed to the side or below the link in question. The third paragraph of Research Disclosure mentions that user can keep a running average of the transfer times in the personal bookmarks of the user web browser.

Applicants submit that nowhere does the cited Research Disclosure disclose the claim requirement of determining a time to download a page and any embedded files in the page. The cited Research Disclosure discusses determining a time value of how many seconds to download the page, but does not disclose that the time to download includes both the time to download the page and any embedded files.

Applicants further submit that the cited Research Disclosure does not disclose the claim requirement of determining an access time indicator for the network addresses based on the determined times stored with the network addresses, wherein the determined access time indicator is capable of indicating at least two different access times with respect to one network address.

The cited para. 2 of the Research Disclosure discusses displaying the time value to download the page or an average time to download in the personal bookmarks of the user. However, the claims require determining an access time indicator from the determined times to download the page and embedded files. Nowhere does the cited para. 2 disclose providing an access time indicator that is different from the time value to download the page as claimed. The claims require that the access time indicator is separate from the time to download the page.

Both the cited paragraphs 2 and 3 discuss displaying the actual time or a running average of the transfer time for the accessed web locations. Nowhere does this discussion anywhere disclose an access time indicator that is capable of indicating at least two different access times for one network address. The time value and running average times mentioned in the cited Research Disclosure can have only one value, their actual calculated value. Thus, these actual calculated time values provided with the accessed web locations in Research Disclosure do not disclose the claim requirement that the determined access time indicator is capable of indicating at least to different access times

for one network address because the cited time values can have only one value, their actual calculated value.

Applicants submit that claims 3, 7, 12, 15, 19, 24, 27, 31, and 36 are patentable over the cited art because they depend from one of claims 1, 13, and 25.

B. Rejection Under 35 U.S.C. §103 as Obvious Over Research Disclosure in View of Barrett

First off, claims 4, 6, 16, 18, 28, and 30 are patentable over the cited art because they depend from one of base claims 1, 13, and 25, which are patentable over the cited art for the reasons discussed above. Moreover, the below discussed dependent claims provide additional grounds of patentability over the cited art for the following reasons.

1. Claims 4, 16, and 28

Claims 4, 16, and 28 depend from claims 1, 13, and 25 and further require that the output device comprises a display monitor, wherein rendering the network address comprises displaying the network address on a display monitor and wherein rendering the access time indicator comprises altering the display of the network address on the display monitor.

The Examiner found that Research Disclosure does not teach the additional requirements of claims 4, 16, and 28 and cited col. 8, lines 49-61 and col. 10, lines 53-64 of Barrett as disclosing the additional requirements of these claims. (Third Final Office Action, pg. 5)

The cited col. 8 of Barrett discusses a display of a page showing a display of the URL of a current page and the URLs of pages the user has gone to from the current page. The previously accessed pages are shown as URLs. This page also shows information on statistics showing the number of past occurrences or previous visits 52 to the pages whose URLs are shown.

The cited col. 10 mentions displaying an "Instant Hot List" of previously visited web pages and which includes a ranking based on a factor, such as a number of previous visitations or visitations weighted by time priority. The URL items are listed in ranked

order as shown in FIG. 6, which lists the URLs from most visited (on the top of the list) to least visited (on the bottom of the list).

Nowhere do the cited cols. 8 and 10 anywhere teach, suggest or mention altering the display of URLs to render an access time indicator. The cited col. 8 mentions displaying information on a number of times a URL was accessed by displaying the number of accesses next to the displayed URL, but nowhere teaches altering the display of the URL itself to render an access time indicator. The cited col. 10 discusses sorting the displayed URLs in a rank according to the previous visits. However, changing the order of displaying URLs based on their number of visits does not teach or suggest the claim requirement of altering the display of the network address itself to render an access time indicator. Instead, the cited cols. 8 and 10 discuss altering the order in which URLs are displayed based on the number of previous visits to the page.

Moreover, even if one were to modify Research Disclosure with the cited Barrett, the result would be displaying URLs previously accessed from a current page in an order based on the number of previous visits to the list of previously accessed pages, not the claim requirement of rendering an access time indicator by altering the display of the network addresses.

The Examiner further provides a motivation for the proposed modification to "increase the efficiency of IBM's systems by providing network addresses to be display in a ranked order to minimize the time of search" (Third Final Office Action, pg. 5). Applicants traverse this proffered motivation because the Examiner has not cited any art that teaches that "efficiency" may be increased by altering how the network address is displayed to render the access time indicator. The Federal Circuit has stated that "showing of a motivation to combine must be clear and particular, and it must be supported by actual evidence. . . . [citation omitted] Ficosa offers no evidence in support of its conclusory assertion that the nature of the problem supplies the necessary motivation to combine, much less a clear and particular showing." Teleflex Inc. v. Ficosa No. Am. Corp., 63 USPQ2d 1374, 1387 (Federal Circuit 2002).

Here, as in Teleflex, the Examiner has not provided any evidence or cited specific references that provide evidence of the offered motivation to improve efficiency by altering how a network address is displayed. Instead, the Examiner is improperly relying

on the "nature of the problem" as supplying the necessary motivation to combine without citing specific references as teaching the motivation to make the claimed combination.

Accordingly, Applicants request the Board to reverse the rejection of claims 4, 16, and 28.

2. Claims 6, 18, and 30

Claims 6, 18, and 30, depend from claims 1, 13, and 25, and further require that the output device comprises a display monitor, wherein the file accessed from the network address comprises a page to display on the display monitor, and wherein the network address to render comprises a network address included in the page to display within the displayed page.

The Examiner found that Research Disclosure does not teach the additional requirements of claims 4, 16, and 28 and cited col. 8, lines 49-61 and col. 10, lines 19-27 of Barrett (Third Final Office Action, pg. 5) as teaching the additional requirements of these claims.

Claims 6, 18, and 30 require that the rendered network addresses comprises the network addresses of pages included in the page to display. Further, because base claim 1 requires rendering the access time indicator when rendering the network address, the access time indicator for the network address of the embedded file would be rendered when rendering the network address of the embedded files in the displayed page.

The cited col. 8 mentions a page showing URLs of a currently displayed page and previously visited pages, along with statistical information on the previously visited pages. The cited col. 10 discusses a display of a web visitation history, where a presently visited URL is displayed as well as past or future generated pages. Applicants submit that nowhere do the cited cols. 8 and 10 anywhere teach or suggest rendering an access time indicator of network addresses included in a page to display that are embedded in the page to display. Instead, the cited cols. 8 and 10 mention a web page providing information on a current page and previously visited pages, including statistical information on previously visited web pages (FIG. 8). Nowhere do the cited cols. 8 and 10 teach that the network addresses of pages within a displayed page are rendered with the access time indicator of the page.

The Examiner further provides a motivation for the proposed modification to "increase the user's alertness in IBM's and Barrett et al's system by providing the user a notification of the network address of the web page being visited." (Third Final Office Action, pg. 6). Applicants traverse this proffered motivation because here, as in Teleflex, the Examiner has not provided any evidence or cited specific references that provide evidence of the proffered motivation of increasing user alertness by rendering an access time indicator for network addresses included in the page to display. Instead, the Examiner is improperly relying on the "nature of the problem" as supplying the necessary motivation to combine.

Accordingly, Applicants request the Board to reverse the rejection of claims 6, 18, and 30.

C. Rejection Under 35 U.S.C. §103 as Obvious Over Research Disclosure in View of Barrett and Barrick

First off, claims 5, 9, 17, 21, 29 and 33 are patentable over the cited art because they depend from one of base claims 1, 13, and 25, which are patentable over the cited art for the reasons discussed above. Moreover, the below discussed dependent claims provide additional grounds of patentability over the cited art for the following reasons.

1. Claims 5, 17, and 29

Claims 5, 17, and 29 depend from claims 4, 16, and 28 and further require that the access time indicator comprises a color in which to display the network address on the display monitor.

The Examiner found that Research Disclosure and Barrett do not teach the additional requirements of claims 5, 17, and 29 and cited col. 8, lines 7-17 of Barrick (Third Final Office Action, pg. 5).

The cited col. 8 of Barrick mentions that instead of sending a download time, the browser makes an assessment of performance and sends the assessment. The assessment may be made relative to an absolute scale with different performance levels having different colors. The browser may display the assessment of performance.

Although the cited Barrick discusses associating colors with different download performance levels, nowhere does the cited Barrick, or other references, teach or suggest altering the display of the network address by displaying the network address in a color, such that the color provides an access time indicator. Instead, the cited Barrick concerns providing a qualitative assessment of the download performance for a page and that this information may be conveyed as information relative to an absolute scale, such as a color.

There is no teaching, suggestion or mention in the cited Barrick of displaying network addresses in different colors as part of rendering an access time indicator for a list of previously accessed network addresses.

The U.S. Court of Appeals for the Federal Circuit has made clear that some objective teaching of the suggestion or motivation to combine prior art references is needed. In re Dembiczak, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999) ("Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references.") Here, the Examiner is engaging in improper use of hindsight to justify the proposed modification because the Examiner has not provided any objective teaching to support the proposed combination and modification, i.e., that previously accessed network addresses be displayed in different colors to indicate an access time indicator for the network address.

The cited Research Disclosure discusses displaying a download time for a previously accessed page but nowhere teaches or suggests that the network address of the previously accessed page be displayed in a color to render an access time indicator. The cited Barrick mentions displaying a color indicating a qualitative assessment of performance for a downloaded page. However, no cited reference provides any suggestion of the proposed modification to alter network addresses by displaying the network addresses in a color to render the access time indicator. For this reason, the proposed modification is improper and is the result of improper use of hindsight.

The Examiner further provides a motivation for the proposed modification to "increase the user's alertness in IBM's and Barrett et al's system by allowing a user to avoid the previously visited link with color indicating a slow web source. (Third Final Office Action, pgs. 6-7). Applicants traverse this proffered motivation because here, as

in Teleflex, the Examiner has not provided any evidence or cited specific references that provide evidence of the offered motivation of alerting user's by changing the color in which the URL is displayed. Instead, the Examiner is improperly relying on the "nature of the problem" as supplying the necessary motivation to combine.

Accordingly, Applicants request the Board to reverse the rejection of claims 5, 17, and 29.

2. Claims 9, 21, and 33

Claims 9, 21, and 33 depend from claims 6, 18, and 30 and further require that generating the list of previously accessed network addresses with access time ratings comprises: calculating an expected access time from the stored determined times for each network address and determining an access time rating from the expected access time, wherein the access time indicators are determined for network addresses from the access time ratings for the network addresses.

The Examiner cited col. 8, lines 7-17 of Barrick as teaching the claim requirement of determining an access time rating from the expected access time, wherein the access time indicators are determined for network addresses from the access time ratings for the network addresses. (Third Final Office Action, pg. 7).

The cited col. 8 mentions that instead of sending a download time, sending a qualitative assessment of a download time relative to an absolute scale as part of an agent sending a performance report. Although the cited col. 8 discusses determining a rating or assessment of a download time, nowhere does the cited col. 8 anywhere teach or suggest providing an assessment of a download time for network addresses for files in a page, where the access time rating is displayed in the downloaded page with the network address included in the page to display, as required per claims 6, 18, and 30.

Accordingly, Applicants request the Board to reverse the rejection of claims 9, 21, and 33.

D. Rejection Under 35 U.S.C. §103 as Obvious Over Research Disclosure in View of Schneider

First off, claims 11, 23, and 35 are patentable over the cited art because they depend from one of base claims 1, 13, and 25, which are patentable over the cited art for the reasons discussed above. Moreover, the below discussed dependent claims provide additional grounds of patentability over the cited art for the following reasons.

1. Claims 11, 17, and 29

Claims 11, 17, and 29 depend from claims 1, 13, and 25 and further require that rendering the access time indicator when rendering the processed network address further comprises: receiving characters of a network address a user inputs into an address field displayed on the output device; determining a set of network addresses from the list of previously accessed network addresses that begin with the received characters; determining the access time indicator for each of the determined network addresses in the set based on the stored determined times for each network address; and rendering the determined access time indicator for each network address with the network address in a list of network addresses, wherein a user is capable of selecting one of the rendered network addresses to substitute for the received characters to enter into the address field.

The Examiner cited col. 7, lines 7-20 of Schneider teaches the additional requirements of these claims. (Third Final Office Action, pg. 8) The cited col. 7 mentions that entering a URL is a means to access content from the URL, which is an important design features for Web browsers. The cited col. 7 further mentions an autocomplete feature.

Although the cited col. 7 mentions autocomplete, nowhere does the cited Schneider anywhere teach or suggest the combination of requirements of rendering access time indicators for each network address in a list that begins with the receive characters the user entered. For instance, nowhere do the cited references anywhere teach or suggest displaying access time indicators with addresses suggested with the autocomplete feature.

Thus, even if one were to modify Research Disclosure with Schneider, one would just supplement the system of Research Disclosure that displays a time value to show

how long it took to access a previously accessed page with an autocomplete feature for entering URLs. There is no teaching or suggestion of the claim requirement of rendering the access time indicator for each network address in a list of previously accessed network addresses that begin with the received characters. Thus, the Examiner is again proposing a modification not taught in any of the cited references.

The Examiner provides a motivation of the proposed modification in that "because Schneider's teaching of selecting one of the rendered network addresses determined from the list of previously accessed network addresses would increase efficiency by providing user with candidates of match URLs based to received characters without the need for users to complete entry of the fully-resolved URL." (Third Final Office Action, pg. 9). The cited motivation only concerns the efficiency of the autocomplete feature. Nowhere does this cited motivation anywhere teach or suggest providing access time indicators with the network addresses that begin with the received characters, i.e., providing access time indicators with the network addresses displayed as part of an autocomplete operation. Moreover, nowhere has the Examiner cited any evidence or art that teaches that one may increase efficiency by displaying access time indicators with network addresses that begin with the received characters.

Accordingly, Applicants request the Board to reverse the rejection of claims 11, 23, and 35.

E. Rejection Under 35 U.S.C. §103 as Obvious Over Research Disclosure in View of Barrett and Killian

First off, claims 10, 22, and 34 are patentable over the cited art because they depend from one of base claims 1, 13, and 25, which are patentable over the cited art for the reasons discussed above. Moreover, the below discussed dependent claims provide additional grounds of patentability over the cited art for the following reasons.

1. Claims 10, 22, and 34

Claims 10, 22, and 34 depend from claims 6, 18, and 30 and further require that the page is implemented in a markup-language including tagged elements, and require: generating a document object including nodes for the tagged elements; generating a node

for each network address included in the page; and generating an attribute for each network address node implementing the access time indicator determined from the network address, wherein the page is rendered from the document object.

The Examiner's cited col. 12, lines 54-62 of Killian as teaching the additional requirements of these claims. (Third Final Office Action, pgs. 9-10) The cited col. 12 mentions that a web page is a composite data object in the sense that it has images that cause image objects to be downloaded to be displayed as part of the web page. Nowhere does this cited col. 12 teach, suggest or mention the claim requirements of generating in a document object a node for each network address in the page as a tagged element and then generating for each network address node an attribute implementing the access time indicator determined for that network address. Instead, the cited col. 12 mentions that a web page is a composite data object having images.

Thus, the cited col. 12 concerns the format of the page being downloaded. Nowhere does the cited col. 12, or any other cited reference, teach or suggest generating nodes for each network address included in a page and then generating an attribute for each network address node implementing the access time indicator for the network address. Instead, the cited col. 12 discusses that a page being downloaded may have tags.

The Examiner further cited col. 8, lines 7-17 as teaching the claim requirement of generating an attribute for each network address node implementing the access time indicator determined from the network address, wherein the page is rendered from the document object. (Third Final Office Action, pg. 10) Applicants traverse.

As discussed, the cited col. 8 mentions that instead of sending a download time, sending a qualitative assessment of a download time relative to an absolute scale as part of an agent sending a performance report. Nowhere in the cited col. 8 is there any teaching, suggestion or mention of generating an attribute for each network address node in a page implementing an access time indicator.

Applicants submit the Examiner has not cited any art that teaches the specific proposed modification, that a page comprising a document object having nodes for each network where each network address node has an attribute providing the access time indicator for the network address node. Thus, even if one were to modify, as the Examiner proposes, Barrick, which discusses a qualitative assessment of a download

time, with Killian, which discusses a page having tagged elements, one would have qualitative assessments of downloaded pages having tags. The proposed modification still does not result in the claimed combination of a page comprising a document object having nodes for each network where each network address node has an attribute providing the access time indicator for the network address node.

Accordingly, Applicants request the Board to reverse the rejection of claims 10, 24, and 34.

VIII. Conclusion

Each of the rejections set forth in the Third Final Office Action is improper and should be reversed.

Respectfully submitted,

/David Victor/

David W. Victor
Reg. No. 39,867

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Direct All Correspondence to:
David Victor
Konrad Raynes & Victor LLP
315 South Beverly Drive, Ste. 210
Beverly Hills, California 90212
Tel: 310-553-7977
Fax: 310-556-7984

IX. Appendix A

1. (Previously Presented) A method for rendering network addresses of files capable of being downloaded over a network on an output device, comprising:

generating a list of previously accessed network addresses;

for each listed network address, determining a time to download a page and any embedded files in the page from the network address over the network in response to downloading the page and any embedded files from the network address;

storing each determined time with the network address for which the time was determined;

determining an access time indicator for the network addresses based on the determined times stored with the network addresses, wherein the determined access time indicator is capable of indicating at least two different access times with respect to one network address; and

rendering the access time indicator when rendering the network address on the output device.

2. (Canceled)

3. (Previously Presented) The method of claim 1, wherein the rendered access time indicator comprises an access time rendered with the network address.

4. (Previously Presented) The method of claim 1, wherein the output device comprises a display monitor, wherein rendering the network address comprises displaying the network address on a display monitor and wherein rendering the access time indicator comprises altering the display of the network address on the display monitor.

5. (Original) The method of claim 4, wherein the access time indicator comprises a color in which to display the network address on the display monitor.

6. (Previously Presented) The method of claim 1, wherein the output device comprises a display monitor, wherein the file accessed from the network address comprises a page to display on the display monitor, and wherein the network address to render comprises a network address included in the page to display within the displayed page.

7. (Previously Presented) The method of claim 1, wherein the determined times are further based on a time to render the downloaded page as output on the display monitor.

8. (Cancelled)

9. (Previously Presented) The method of claim 6, wherein generating the list of previously accessed network addresses with access time ratings comprises:

calculating an expected access time from the stored determined times for each network address; and

determining an access time rating from the expected access time, wherein the access time indicators are determined for network addresses from the access time ratings for the network addresses.

10. (Previously Presented) The method of claim 6, wherein the page is implemented in a markup-language including tagged elements, further comprising:

generating a document object including nodes for the tagged elements;

generating a node for each network address included in the page; and

generating an attribute for each network address node implementing the access time indicator determined from the network address, wherein the page is rendered from the document object.

11. (Previously Presented) The method of claim 1, wherein rendering the access time indicator when rendering the processed network address further comprises:

receiving characters of a network address a user inputs into an address field displayed on the output device;

determining a set of network addresses from the list of previously accessed network addresses that begin with the received characters;

determining the access time indicator for each of the determined network addresses in the set based on the stored determined times for each network address; and

rendering the determined access time indicator for each network address with the network address in a list of network addresses, wherein a user is capable of selecting one of the rendered network addresses to substitute for the received characters to enter into the address field.

12. (Previously Presented) The method of claim 1, wherein rendering the access time indicator when rendering the processed network address further comprises:

accessing a list of selected network addresses;

determining the access time indicator for each of the network addresses in the list of selected network addresses based on the stored determined times for each network address; and

rendering the determined access time indicator with each network address in the list of selected network addresses.

13. (Previously Presented) A system for rendering network addresses of files capable of being downloaded over a network on an output device, comprising:

means for generating a list of previously accessed network addresses;

for each listed network address, determining a time to download a page and any embedded files in the page from the network address over the network in response to downloading the page and any embedded files from the network address;

storing each determined time with the network address for which the time was determined;

determining an access time indicator for the network addresses based on the determined times stored with the network addresses, wherein the determined access time

indicator is capable of indicating at least two different access times with respect to one network address; and

rendering the access time indicator when rendering the network address on the output device.

14. (Canceled)

15. (Previously Presented) The system of claim 13, wherein the rendered access time indicator comprises an access time rendered with the network address.

16. (Previously Presented) The system of claim 13, wherein the output device comprises a display monitor, wherein the means for rendering the network address performs displaying the network address on the display monitor and wherein the means for rendering the access time indicator performs altering the display of the network address on the display monitor.

17. (Original) The system of claim 16, wherein the access time indicator comprises a color in which to display the network address on the display monitor.

18. (Previously Presented) The system of claim 13, wherein the output device comprises a display monitor, wherein the file accessed from the network address comprises a page to display on the display monitor, and wherein the network address to render comprises a network address included in the page to display within the displayed page.

19. (Previously Presented) The system of claim 13, wherein the determined times are further based on a time to render the downloaded page as output on the display monitor.

20. (Canceled)

21. (Previously Presented) The system of claim 18, wherein the means for generating the list of previously accessed network addresses with access time ratings performs:

each time the page is downloaded from the network address, determining a time to download the page from over the network;

storing each determined time with the network address;

calculating an expected access time from the stored determined times for each network address; and

determining an access time rating from the expected access time, wherein the access time indicators are determined for network addresses from the access time ratings for the network addresses.

22. (Previously Presented) The system of claim 18, wherein the page is implemented in a markup-language including tagged elements, further comprising:

means for generating a document object including nodes for the tagged elements;

means for generating a node for each network address included in the page; and

means for generating an attribute for each network address node implementing the access time indicator determined from the network address, wherein the page is rendered from the document object.

23. (Previously Presented) The system of claim 13, wherein the means for rendering the access time indicator when rendering the processed network address further performs:

receiving characters of a network address a user inputs into an address field displayed on the output device;

determining a set of network addresses from the list of previously accessed network addresses that begin with the received characters;

determining the access time indicator for each of the determined network addresses in the set based on the stored determined times for each network address; and

rendering the determined access time indicator for each network address with the network address in a list of network addresses, wherein a user is capable of selecting one

of the rendered network addresses to substitute for the received characters to enter into the address field.

24. (Previously Presented) The system of claim 13, wherein the means for rendering the access time indicator when rendering the processed network address further performs:

accessing a list of selected network addresses;

determining the access time indicator for each of the network addresses in the list of selected network addresses based on the stored determined times for each network address; and

rendering the determined access time indicator with each network address in the list of selected network addresses.

25. (Previously Presented) An article of manufacture for rendering network addresses of files capable of being downloaded over a network on an output device, wherein the article of manufacture comprises a computer readable medium including code enabled to cause a processor to perform:

generating a list of previously accessed network addresses;

for each listed network address, determining a time to download a page and any embedded files in the page from the network address over the network in response to downloading the page and any embedded files from the network address;

storing each determined time with the network address for which the time was determined;

determining an access time indicator for the network addresses based on the determined times stored with the network addresses, wherein the determined access time indicator is capable of indicating at least two different access times with respect to one network address; and

rendering the access time indicator when rendering the network address on the output device.

26. (Canceled)

27. (Previously Presented) The article of manufacture of claim 25, wherein the rendered access time indicator comprises an access time rendered with the network address.

28. (Previously Presented) The article of manufacture of claim 25, wherein the output device comprises a display monitor, wherein rendering the network address comprises displaying the network address on the display monitor and wherein rendering the access time indicator comprises altering the display of the network address on the display monitor.

29. (Original) The article of manufacture of claim 28, wherein the access time indicator comprises a color in which to display the network address on the display monitor.

30. (Previously Presented) The article of manufacture of claim 25, wherein the output device comprises a display monitor, wherein the file accessed from the network address comprises a page to display on the display monitor, and wherein the network address to render comprises a network address included in the page to display within the displayed page.

31. (Previously Presented) The article of manufacture of claim 25, wherein the determined times are further based on a time to render the downloaded page as output on the display monitor.

32. (Canceled)

33. (Previously Presented) The article of manufacture of claim 30, wherein generating the list of previously accessed network addresses with access time ratings comprises:

calculating an expected access time from the stored determined times for each network address; and

determining an access time rating from the expected access time, wherein the access time indicators are determined for network addresses from the access time ratings for the network addresses.

34. (Previously Presented) The article of manufacture of claim 30, wherein the page is implemented in a markup-language including tagged elements, further comprising code capable of causing the processor to perform:

generating a document object including nodes for the tagged elements;

generating a node for each network address included in the page; and

generating an attribute for each network address node implementing the access time indicator determined from the network address, wherein the page is rendered from the document object.

35. (Previously Presented) The article of manufacture of claim 25, wherein rendering the access time indicator when rendering the processed network address further comprises:

receiving characters of a network address a user inputs into an address field displayed on the output device.

determining a set of network addresses from the list of previously accessed network addresses that begin with the received characters;

determining the access time indicator for each of the determined network addresses in the set based on the stored determined times for each network address; and

rendering the determined access time indicator for each network address with the network address in a list of network addresses, wherein a user is capable of selecting one of the rendered network addresses to substitute for the received characters to enter into the address field.

36. (Previously Presented) The article of manufacture of claim 25, wherein rendering the access time indicator when rendering the processed network address further comprises:

accessing a list of selected network addresses;

determining the access time indicator for each of the network addresses in the list of selected network addresses based on the stored determined times for with each network address; and

rendering the determined access time indicator with each network address in the list of selected network addresses.

X. Evidence Appendix

None

XI. Related Proceedings Appendix

None